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09/306,135	05/06/1999	JANICE LYNN FARMER	TH1213(US)	3066

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TODD F VOLYN  
SHELL OIL COMPANY  
LEGAL INTELLECTUAL PROERTY  
P O BOX 2463  
HOUSTON, TX 772522463

EXAMINER

PHAM, KHANH B

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 23

Application Number: 09/306,135  
Filing Date: May 06, 1999  
Appellant(s): FARMER ET AL.

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Steven S. Boyd  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed February 4, 2004.

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**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The rejection of claims 1-7, 14 and 18-31 stand or fall together.

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

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**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-7, 14, 18-31 are rejected** under 35 U.S.C. 102(e) as being anticipated by Tipton et al. (US 6,097,995), hereinafter referred to as "Tipton".

**As per claim 1**, Tipton teaches an apparatus comprising:

- "an authoring module for identification of hazardous material and its characteristics" (Col. 41 lines 15-67, Tipton teaches a system for authoring reports relate to hazardous material and its characteristic), the authoring module further comprising:
- "an automated means for selectively decompiling said hazardous material, determining its components and decomposition products, and their respective characteristics" at Col. 26 lines 10-38 and Fig. 26 (Tipton teaches that Acetone is decomposed to determine its components: water, benzene, and termed inert

ingredients and their characteristics: 32%, 15%, 3% respectively);

- "an automated means for associating said hazardous material and said component characteristics with hazard information, using a user defined set of hazardous material rules" at Col. 41 lines 15-67 (Tipton's system allows user to create hazardous material reports using information from hazardous material database);
- "a means for recompiling said hazardous material and said components associated with hazard information to provide hazard information about the hazardous material, its components, decomposition products of said hazardous material, and substances related to said hazardous material" at Col. 41 lines 15-67 (Tipton compiles information in the hazardous material database to create reports which provide hazard information about the hazardous material, e.g., Ingredient/MSDS report, which "lists all substances in inventory showing ingredient and hazards categories of each ingredient within the chemical");
- "a means for disseminating hazard information about said hazardous material, its components, decomposition products of the material, and substances related to the hazardous material wherein said means for

disseminating hazard information communicates with said authoring module" at Col. 41 lines 10-15 (Tipton teaches that the report can be displayed or printed).

**As per claim 2**, Tipton teaches the apparatus of claim 1 wherein "said means for decompiling said hazardous material comprises a deblending analyzer" at Col. 26 lines 10-38.

**As per claim 3**, Tipton teaches the apparatus of claim 2, wherein "said means for decompiling hazardous material further comprises a substance processor" at Col. 26 lines 10-38.

**As per claim 4**, Tipton teaches the apparatus of claim 1, wherein "said means for recompiling hazardous material and said component associated with hazard information is a rules engine for generating words and phrases used in the production of documents and system output" at Col. 41 lines 10-67.

**As per claim 5**, Tipton teaches the apparatus of claim 1, wherein "said means for disseminating hazard information is a distribution module" at Col. 41 lines 10-67.

**As per claim 6**, Tipton teaches the apparatus of claim 1 wherein "said means for disseminating hazard information is an online module" at Col. 41 lines 10-67 and Fig. 110.

**As per claim 7**, Tipton teaches the apparatus of claim 1, wherein "said means for disseminating hazard information is a labeling module" at Col. 47 lines 35-40.

**As per claim 14**, Tipton teaches a system comprising:

- a) “an authoring module for entering information about a hazardous material and its characteristic” at Fig. 32;
- b) “a module for selectively decompiling said hazardous material into its components and decomposition products and their respective characteristics” at Col. 26 lines 10-38 and Fig. 26
- c) “a rules engine operating on a set of user-defined rules for automatically associating said hazardous material characteristics and its component characteristics with user-defined hazard information for use in the production of documents and system output to provide hazard information about said hazardous material, its components, and substances related to said hazardous material” at Col. 41 lines 15-67;
- d) “a module for disseminating said hazard information about said hazardous material, its components, and substances related to said hazardous material wherein said module communicates with said authoring module” at Col. 41 lines 15-67.

**As per claim 18**, Tipton teaches the system of claim 14, wherein “the module for decompiling hazardous material includes an automated deblending module” at Col. 26 lines 10-38.

**As per claim 19**, Tipton teaches the system of claim 18, wherein “the module for decompiling the hazardous material further includes a substance processor” at Col. 26 lines 10-38.

**As per claim 20**, Tipton teaches the system of claim 14, wherein “the rules engine for associating said hazardous material characteristics and its component characteristics with user-defined hazard information further includes a user-defined set of hazardous material rules related to hazardous material and component characteristics” at Col. 41 lines 15-67.

**As per claim 21**, Tipton teaches the system of claim 14, wherein “said hazard material rules may relate at least one regulator, transportation, storage, handling, exposure, or emergency requirements for said hazardous material and its components” at Col. 41 lines 44-67.

**As per claim 22**, Tipton teaches the system of claim 14, wherein “said user-defined hazardous material information is comprised of user defined words and phrases” at Col. 41 lines 25-30.

**As per claim 23**, Tipton teaches the apparatus of claim 1, wherein “said user defined set of hazardous material rule may relate to transportation, storage, regulatory, exposure, or emergency requirements for said hazardous material and its components” at Col. 41 lines 44-67.

**As per claim 24**, Tipton teaches a method for communicating hazard information comprising:

a) “entering information related to a hazardous material and its characteristics into a computerized database” at Fig. 32;



b) “selectively automatically decompiling said hazardous material into its component, and decomposition products and their respective characteristics” at Col. 26 lines 10-38 and Fig. 26;

c) “automatically associating said hazardous material and component characteristics with hazard information using a set of user defined hazardous material rules” at Col. 41 lines 15-67;

d) “recompiling said hazardous material information associated with said hazardous material and its components” at Col. 41 lines 15-67;

e) “disseminating said hazardous material information related to said hazardous material and its components” at Col. 41 lines 30-67.

**As per claim 25**, Tipton teaches the method of claim 24, wherein “step b) further includes utilizing an automated deblender for decompiling said hazardous material” at Col. 26 lines 10-38.

**As per claim 26**, Tipton teaches the method of claim 25, wherein “said automated deblender further includes a substance processor” at Col. 26 lines 10-38.

**As per claim 27**, Tipton teaches the method of claim 24, wherein “said hazardous material rules includes rules relating at least one of regulatory, transportation, storage, handling, exposure or emergency requirement for said hazardous material and its components” at Col. 41 lines 44-67.

**As per claim 28**, Tipton teaches the method of claim 24, wherein “step e) further includes the step of automatically disseminating said hazard information online” at Col. 41, lines 20-67 and Fig. 110.

**As per claim 29**, Tipton teaches the method of claim 24, wherein “step e) further includes the step of creating hazardous material labels” at Col. 47 lines 35-40.

**As per claim 30**, Tipton teaches the method of claim 24, wherein “said hazardous material and its components characteristics are referenced by a rules engine operating on user-defined rules to associate hazard information from a user-defined database of information with said hazardous material and its components” at Col. 41 lines 15-67.

**As per claim 31**, Tipton teaches the method of claim 24, wherein “said hazard information is comprised of a user defined set of words and phrases” at Col. 41 lines 15-67.

**11) *Response to Argument***

Appellant's invention “relates to the automated and integrated management of health, safety and environment information as it pertains to the manufacture, use, handling, transport, and sale of chemical product” (Specification page 1, lines 1-3).

Tipton's invention relates to a “chemical inventory management system includes a chemical inventory control system allowing a user to manage chemicals from a central station, to allow for tracking of individual chemical containers throughout its life. In addition, an environment, health and safety information system as contained in the chemical management system allow the user create customized chemical storage group...” (Tipton's Abstract)

Both Appellant and Tipton's inventions are useful for authoring the Material Safety Data Sheets (“MSDS”), which are required by Federal and State laws and

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regulations for each hazardous substance manufactured or used on the site (Appellant's specification, page 1, line 14 and Tipton's Col. 41 lines 44-67).

Tipton discloses each and every limitation of the claimed invention as set forth in the ground of rejection above. The examiner respectfully traverses appellant's arguments.

**A. Tipton Does Disclose User Defined Rules**

Appellant argued that Tipton does not disclose "user defined set of hazardous material rules". On the contrary, as noted by appellant, Tipton discloses that user is allowed to define the report. Specifically, Tipton discloses: "the preferred database provides an Adhoc report feature which allows for the user to set up three pertinent elements of a report: 1) the fields to be included in the report, 2) the way in which records should be sorted, and 3) which records to be included" (Tipton, Col. 41 lines 16-21), wherein "this report list all substances in inventory showing ingredients and hazards category of each ingredient within the chemical" (Tipton, Col. 41 lines 44-46). Clearly, Tipton anticipates the limitation: "user defined set of hazardous material rule" by allowing user to define the content of the hazardous material report.

**B. Tipton Does Disclose Automatically Association of the Hazardous Material and Component Characteristics.**

First, the examiner notes that the claimed limitation recited in the sub-header B is incomplete. This limitation should have read: "associating the hazardous material and component characteristics with hazard information" as recited in claim 1.

Second, appellant did not provide any argument to support the statement presented in sub-heading B (i.e., "Tipton does not disclose automatically associating the hazardous material and component characteristics"). Instead, appellant's arguments direct to a different limitation, which is presented under sub-heading C of the appeal brief.

Third, the examiner submits that Tipton disclosed the limitation of "automatically associating the hazardous material and component characteristics with hazard information" at Col. 41 lines 15-50. As discussed in section A above, Tipton generates the Ingredient/MSDS report from the database, wherein the report "lists all substances in inventory showing ingredients and hazards categories of each ingredient within the chemical" (Tipton, Col. 41 lines 44-46). Clearly, Tipton associates hazardous material (i.e., "substances") and component characteristics (i.e., "ingredients") with hazard information (i.e., "hazards categories") automatically from information contained in the database to generate the report.

**C. Tipton Does Disclose an Automated Means for Selectively Decompiling the Hazardous Material, Determining its Components and Decomposition Products and Their Respective Characteristics.**

Appellant argued that Tipton does not disclose "an automated means for selectively decompiling the hazardous material, determining its components and decomposition products and their respective characteristics". On the contrary, Tipton teaches that hazardous material are decompiled into components at Fig. 26 and Col. 26 lines 10-36, as recited below:

"referring to window 2600 of FIG. 26 it can be seen that the example includes **4 separate components** in the chemical container. **50%** of the container is **acetone** from container ID No. 1099226, as shown at 2602, **32%** of the container is water as shown at 2604, **15%** is **benzene** from container ID 1101248 as shown at 2606, and the remaining **3%** is **termed inert ingredients** as shown at 2608." (Tipton, Col. 26 lines 10-36, emphasis added)

The cited text portion above clearly meets all requirements for the claimed element: "automated means for selectively decompiling hazardous material (i.e., "acetone"), determining its components and decomposition products (i.e., "water, benzene, termed inert ingredient") and their respective characteristic (i.e., 50%, 32%, 15%, 3%, respectively).


For the above reasons, it is believed that the rejections should be sustained.


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Respectfully submitted,

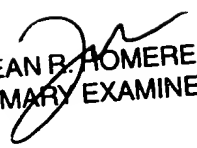
Khanh B. Pham  
Examiner  
Art Unit 2177

KBP  
March 5, 2004

Conferees  
Jean Homere   
Primary Examiner  
Art Unit 2177

Greata Robinson   
Primary Examiner  
Art Unit 2177

TODD F VOLYN  
SHELL OIL COMPANY  
LEGAL INTELLECTUAL PROERTY  
P O BOX 2463  
HOUSTON, TX 77252-2463

  
JEAN B. HOMERE  
PRIMARY EXAMINER